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OGC 78-8177

22 NOV 1978

Executive Registry

78-31315

**OS REGISTRY**

**\* FILE**

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Honorable Edward P. Boland, Chairman  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

I have been asked by the Counsel to the President to transmit to you the enclosed copy of the President's letter to me of 19 September 1978. That letter implements Section 3-403 of Executive Order 12036 by establishing a standard to be followed in reporting to your Committee "information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

I of course will assume responsibility for reporting to your Committee under the President's standard so far as concerns activities of CIA. So far as concerns activities of other intelligence agencies, I am informed that the President has sent letters similar to the enclosure to the Attorney General, relative to the FBI, and to the Secretary of Defense.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

cc: Honorable Robert J. Lipshutz  
Counsel to the President

OGC:AAL:sin

Original - DCI

- OGC Subj: Senate Select Committee on Intelligence
- 1 - OGC Subj: House Permanent Select Committee on Intelligence
- c.r.
- 1 - AAL signer
- 1 - Chrono
- 1 - DCI
- 1 - DDCI
- 1 - ER via Ex Secty
- 1 - OLC
- 1 - IG

Washington D.C. 20505

OGC 78-8179

22 NOV 1978

**\* OS REGISTRY  
FILE**

Honorable Birch Bayh, Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I have been asked by the Counsel to the President to transmit to you the enclosed copy of the President's letter to me of 19 September 1978. That letter implements Section 3-403 of Executive Order 12036 by establishing a standard to be followed in reporting to your Committee "information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

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Yours sincerely,

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cc: Honorable Robert J. Lipshutz  
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- 1 - Approved For Release 2002/05/29 : CIA-RDP85-00821R000100070002-7

WASHINGTON

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Approved For Release 2002/05/29 : CIA-RDP85-00821R000100070002-7 11-2-79  
October 30, 1978

**OS REGISTRY**  
**\* FILE**

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Dear Stan:

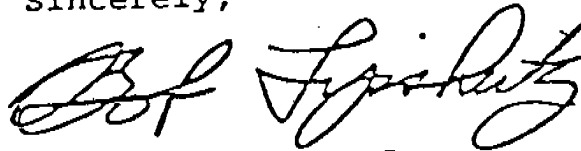
In response to your letter of October 23, you are correct in the interpretation of the phrase, "appropriate Congressional committees", to mean the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

Regarding the transmission of this letter to these two committees, I believe it would be preferable for you to do so yourself. You also might wish to advise these two committees that a similar letter was sent by the President to the Attorney General, relative to the Federal Bureau of Investigation, and to the Secretary of Defense.

Please send me a copy of your letter to the committees. Also, please advise if I can be of any further assistance in this matter.

Best personal regards.

Sincerely,



ROBERT J. LIPSHUTZ  
Counsel to the President

The Honorable Stansfield Turner  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

US REGISTRY  
FILE

The CHAIRMAN. The committee will stand in recess for 15 minutes.

[A brief recess was taken.]

The CHAIRMAN. Let us now resume our hearings.

Senator Huddleston?

Senator HUDDLESTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Mathias.

Senator MATHIAS. Admiral, under Executive Order 11905 the General Counsel of the Central Intelligence Agency is required to make reports to the Intelligence Oversight Board with respect to any improprieties that may come to his attention within the Central Intelligence Agency. Now, my question to you is, would you, as DCI, provide this committee with the substance of those reports—and I am careful to say the substance, having in mind our colloquy this morning as to certain fine points, but with the substance of those reports, so that the committee can carry out the oversight function with respect to any improprieties which might arise in the future.

Admiral TURNER. Yes, sir.

Senator MATHIAS. Now, in the same connection, Executive Order 11905 provides for the Intelligence Oversight Board to report to the President any activities which it deems to be improper and which it discovers within the intelligence community as a whole.

Will you, as Director, provide this committee with the substance of those reports, so that the committee can carry out its oversight function again?

Admiral TURNER. Yes, sir.

Senator MATHIAS. So that we get it at two different sequential stages.

Admiral TURNER. I see the difference you are—

Senator MATHIAS. In the event that it moves to two different, sequential stages.

Admiral TURNER. Yes.

Senator MATHIAS. Well, I am very gratified to have your unequivocal answer to those two questions.

Admiral TURNER. I may be in for unequivocal problems, but I will—

Senator MATHIAS. Well, I don't expect that you will. I hope that we won't have such questions arising, but I think it is of the greatest importance for this committee to be advised of them if those problems do exist.

Now, turning to another question, in our original study of the intelligence community, one of the most difficult problems that we observed was the lack of statutory charters governing the activities of different elements of the intelligence community. Where there was no statutory charter, the boundaries of jurisdiction were very difficult to define. They could lack permanence. Individuals who might be affected by the activities of the community would find it difficult to ascertain exactly where their rights began and where they ended.

It has been a subject of concern in the Congress that we should develop statutory charters for the different elements of the community that are not governed by charters at this time.

Do you have any problem in working with the Congress in the development of that kind of statutory base?

Washington, D.C. 20503

23 OCT 1978

OS REGISTRY

FILE

The Honorable Robert J. Lipshutz  
Counsel to the President  
The White House  
Washington, D. C. 20500

Dear Bob:

The President's letter of 19 September, copy enclosed, implemented Section 3-403 of Executive Order 12036 by establishing a standard that prescribes the manner in which Agency activities of questionable legality or propriety are to be reported to the "appropriate congressional committees." I assume that for these purposes the "appropriate congressional committees" are the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, there being no others mentioned in Section 3-403.

As you know, during my confirmation hearings before the SSCI in February 1977, I made certain commitments with respect to the reporting of questionable activities. A copy of the relevant portion of the hearing transcript is enclosed. Even apart from these commitments, I believe the two oversight committees would have a clear right to be informed regarding the reporting standard established by the President. Under the circumstances, given that the President's standard does not coincide in all respects with my commitments, it seems to me imperative that the committees be informed. Accordingly, it is my suggestion that you transmit copies of the President's letter to the SSCI and HPSCI, together with a covering note of some sort, or that you authorize me to do so. I would appreciate it if you would let me have your reaction to this suggestion.

Yours,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosures

OGC:AAL:sin

1 - DDCI 1 - ER via Ex Secty

1 - IG 1 - OLC

1 - OGC Subj: Senate Select Committee on Intelligence ✓

1 - c.r. OGC Subj: House Permanent Select Committee on Intelligence

1 - AAL signer

1 - Chrono Approved For Release 2002/05/29 : CIA-RDP85-00821R000100070002-7

WASHINGTON

September 19, 1978

OS REGISTRY

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To Admiral Turner

As I stated in my July 27, 1977, letter to Senator Inouye, I consider intelligence abuses to be of such import that I intend to deal personally with such matters, including the obligation of the Executive Branch to inform the appropriate congressional committees. Therefore, I am writing, pursuant to Section 3-4 of Executive Order 12036, to indicate the appropriate procedures for reporting to congressional committees "... information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

The CIA should continue to report to the Intelligence Oversight Board activities which raise questions of legality or propriety. The IOB will review the matter and, if it raises a serious question, report it to me with its recommendations. If you feel that the gravity of a matter is such that it should be reported directly to me, the information also should be provided at the same time to the IOB so that it can begin its review promptly.

After considering the reports of the CIA and the IOB and, on questions of legality, the judgment of the Attorney General, I will review any determinations that an activity is illegal or improper, the proposed corrective action, and the manner and timing of reporting to the Congress. You will then make the appropriate report on the matter to the congressional committees, except when I communicate the matter to them directly.

In the case of questions of legality or propriety which you believe are so minor that they clearly do not need to be brought to my attention, you should continue to

inform congressional committees, as well as the IOB, in a timely manner. You may, of course, at any time suspend an activity which raises a serious question of legality or impropriety, until a final determination is made whether the activity should be modified or discontinued and what other corrective action is required.

If in your judgment special circumstances require reporting an illegal or improper activity to Congress within a time period shorter than those outlined here, you should so indicate at the time the matter is reported to the IOB or to me.

In any event, you should discuss this concern either with myself or the IOB before undertaking to report the matter to Congress ahead of this timetable.

Sincerely,

*Jimmy Carter*

Admiral Stansfield Turner, USN  
Director of Central Intelligence  
Washington, D.C. 20505

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